

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MW BUILDERS, INC., a Missouri corporation, GREAT AMERICAN ALLIANCE INSURANCE COMPANY, an Ohio corporation,

Plaintiffs,

Civil No. 02-1578-AC

v.

ORDER

SAFECO INSURANCE COMPANY OF AMERICA, a Washington corporation, SAFECO INSURANCE COMPANY OF OREGON, an Oregon corporation, AMERICAN STATES INSURANCE COMPANY, an Indiana corporation,

Defendants.

HAGGERTY, District Judge:

Magistrate Judge Acosta issued a Findings and Recommendation [248] recommending that plaintiff MW Builders' Motion to Fix Appellate Attorneys' Fees on Remand Pursuant to Ninth Circuit Court of Appeals' April 18, 2008 Order Awarding Fees under ORS 742.061 [211] should be GRANTED in part and DENIED in part as follows: MW Builders should be awarded fees in the amount of \$109,981.25.

No objections were filed to this Findings and Recommendation, and the case was referred to me. The matter is now before me pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of

Civil Procedure 72(b). When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation of the Magistrate. *Campbell v. United States District Court*, 501 F.2d 196 (9th Cir. 1974).

No clear error appears on the face of the record. This court adopts the Findings and Recommendation.

CONCLUSION

MW Builders' Motion to Fix Appellate Attorneys' Fees on Remand Pursuant to Ninth Circuit Court of Appeals' April 18, 2008 Order Awarding Fees under ORS 742.061 [211] is GRANTED in part and DENIED in part as follows: MW Builders is awarded attorney fees in the amount of \$109,981.25. Plaintiffs are ordered to prepare the appropriate Supplemental Judgment and file it for this court's consideration no later than May 15, 2009.

IT IS SO ORDERED.

Dated this 28 day of April, 2009.

/s/ Ancer L. Haggerty
Ancer L. Haggerty
United States District Judge